

May 6, 2014

The Manasquan Planning Board held a Regular meeting at 7PM on Tuesday, May 6, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

**ROLL CALL:**

**Board members present:**

Chairman Hamilton, Councilman McCarthy, John Muly, Paul Rabenda, John Burke, Greg Love, Leonard Sullivan, Peter Ragan, Mark Apostolou and Robert Young (Mayor's Alternate)

**Board members absent:**

Mayor Dempsey, Joan Harriman, Kevin Thompson

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

Albert D. Yodakis – T & M Planning Board Engineer/Planner

Board Attorney Geoffrey S. Cramer's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star, and forwarded to the Website on December 12, 2013. He also read the rules and time frame for the meeting.

**APPLICATION #08-2014** – Windas, Rita, 59 Marcellus Avenue – Block: 70 – Lot: 26 – Zone: R-2 – This is a Use Variance and continued from a previous meeting. The Councilman and Mayor's alternate had to step-down being it's a Use. Attorney Cramer checked the file and found it to be in good order and accepted jurisdiction. He proceeded to swear in three witnesses: Rita Windas, owner/applicant, Ed Windas, Mrs. Windas' son who will be speaking on his mother's behalf and Al Yodakis, T & M Board Planner/Engineer. Ed Windas opened by giving the background of the property and history. Each side of the house has 1448-square feet of living space. Presently there are two full dwellings minus a stove on the West side. This is a very well kept property both inside and out. The intent is to rent the West side to either a single professional type person or possibly an older couple. His mother and brother enjoy a quiet life and it is not their intention to rent to someone who is going to make a lot of noise. He mentioned his brother is mentally challenged his mother has cared for him since birth. He is gainfully employed. It is also not the intent to rent to a family that may impact the School system. He sees no detriment to the public good. Next, Mrs. Windas gave testimony as to the condition of her property and the reason why she is asking the Board to grant this application. John Muly representing the Technical Review Committee said that three of them visited the property and were very impressed with the condition of the house and how everything is set up. It is basically set up as a two-family even though it was originally a mother/daughter. If it's approved a couple of things would have to be addressed and one of them is the parking and if the Board approves you would need separate water and

sewer. Mr. Windas addressed the parking, he said the driveway is approximately 55-feet long and you could probably easily get four (4) parking spots in there. If we rent to a single person they will most likely park on the Street. In a case of a storm emergency it would be very feasible to get the car off the Street. He said he and his wife lived on Marcellus Avenue years ago, people raise their children as time goes on the children get their drivers license and next thing you know there are many homes with multiple cars. This situation is no different than any other house as far as parking. Board members asking questions or making comments were: Burke,

Mrs. Windas said the Tax Office told her this is a single-family dwelling. Chairman Hamilton said when it was made into a mother/daughter the condition was there would not be a stove on the West side and that remains today. The Chairman said the applicant is here today because they have a single-family status and they are trying to legally create a two-family status. Mr. Windas had a map which shows all the Streets in his mother's neighborhood, it shows that on Marcellus Avenue alone there are six (6) two-family homes on the Street. The poster board was marked as Exhibit A-1. He said there are other two-family homes on adjoining Streets. The Chairman poled the Board. Attorney Cramer asked Mr. Windas if in the event the house would be sold could that house be restored to a single-family residence. Board member Sullivan asked is if this were approved could we put a stipulation that the house when it sold convert back to a single-family home, and is that something the Board can do. Mr. Windas said yes, a Deed restriction that when the house was sold, it would revert back to a single-family home. A poll of the Board was taken and the majority felt if there could be a Deed Restriction they would be in favor of granting the application. The Board Attorney said he would have to do the research but it is a very well litigated area of the Law. He is not saying what you are proposing to do can't be done; obviously you have an applicant here that's prepared to seek approval for some time of limited two-family occupancy as long as the house remains in the family's possession. It's a unique situation especially with a handicapped child. Board member Sullivan suggested Mr. Cramer do the research and give us guidance. He said he would do that and this application would have to be continued to a future hearing date so he can do that research. Attorney suggested the Secretary carry this application to the first hearing in June, Board Member Burke made the motion, and the motion was seconded by member Rabenda, all in favor none opposed. Board member Burke made a motion to open the meeting to the public, member Rabenda seconded the motion, all in favor none opposed.

**Audience Member:**

Jason Korth – 55 Marcellus Avenue – He lives right next door to the applicant. He just moved to Manasquan at the end of December. His driveway is in between his house and the Windas' house. He moved from Bradley Beach where there were multi-family homes, lived there for eleven (11) years. Saw a lot of transition in the neighborhood. It's the character of the Community that drew them to Manasquan, he is sympathetic to the personal details shared by the Windas family, they have been model neighbors to him, but he is here to oppose the conversion, the Use Variance because they feel changing the single-family home to a multi-family dwelling right next door, especially right next to his driveway is going to impact his view of the character of the neighborhood, his quality of life potentially. Despite the best of intentions to rent to a certain type of person. We all know that renters do have rights. We are concerned about the parking situation, the on street

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parking. They want to preserve the character of the neighborhood by keeping it a single-family home.

Board member Apostolou made a motion to close the public portion of the meeting, member Muly seconded the motion, all in favor none opposed.

Mr. Windas thanked the Board.

Let the record show that Councilman McCarthy and Robert Young (Mayor's Alternate) returned to the dais.

**APPLICATION #12-2014** – Brock, Matthew – 63 Rogers Avenue – Block: 153 – Lot: 2 – Zone: R-3 – Attorney Cramer found the file to be in good order and accepted jurisdiction. He then swore in Matthew Brock, Owner/applicant, and Albert Yodakis, T & M Board Engineer/Planner. Mr. Brock opened his testimony stating he is seeking relief from Section 35-9.4 which pertains to building height, side setback and lot frontage. His setbacks are pre-existing. His project entails raising his home seven (7) feet above the 33-foot limit for non-conforming lots. The reason for the Variance is his home is in an AE Zone where the BFE is 9-feet. His house was built in 1932, right now the height of that is 7-feet, so this elevation should allow him to comply with the new FEMA requirements. During hurricane Sandy there was 5-feet of water out in the Street and 28-inches of water in his first floor. Elevating his home would also allow him to provide two off Street parking spaces under his home. He is also proposing to build a deck at the rear of the structure affording him readily access to the outdoor space off the kitchen which he currently has. His engineer believes that his sill plate might need to be reinforced which may require an additional few inches. He was hoping to have an additional 6 inches or less bringing it up to 34-feet. Board members asking questions of the applicant and making comments were: Burke, Rabenda, Love, Apostolou, Ragan, Councilman McCarthy, member Muly, Sullivan, and Young. John Muly addressing the TRC report said the Committee felt the deck should be stepped back to meet the 5-foot side yard requirement. Chairman Hamilton said as member Burke suggested possibly he should consider returning to the Board and get his measurements exact, rather than let us go to a vote tonight. You have heard the questions from the Board and you don't seem to be able to supply those answers, and you may want to bring your Architect back with you. Mr. Brock asked if he holds the height to 33-feet would he need to return to the Board. The Chairman said no, but the deck is still an issue as that requires a Variance. Mr. Brock requested to carry the application to the July 1, 2014 Planning Board meeting. Board Member Burke made a motion to carry the application, member Sullivan seconded the motion, all in favor none opposed.  
***APPLICATION CARRIED TO JULY 1, 2014***

Board member Burke asked for a 5-minute recess, all in favor none opposed.

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**APPLICATION #13-2014** – 177 Main Street, LLC – 177 Main Street – Block: 65.02 – Lot: 21.01 – Zone: BR-1 – C. Keith Henderson is the attorney representing the owners/applicant. Attorney Cramer found the file to be in order and accepted jurisdiction. Mr. Henderson had three witnesses to be sworn in: Eileen Laszlo one of the members of the LLC, owner/applicant, Vincent Cusumano, Architect for the project, Ray Carpenter, Engineer for the project as well as Albert D. Yodakis, T & M Engineering, Board Planner/Engineer. Keith Henderson gave the background of the Plaza from the '40's. At sometime the people who owned the businesses on Main Street recognized the fact that there was inadequate parking and could be in the future, and they made a deal with the Borough of Manasquan whereby they would each convey their interest in the property after a certain point for the creation of a parking area. This came up during the construction of the Plaza because there was some discussion of turning it into a water park and all sorts of other things. That parking was built and became the Plaza. He proceeded to read the language in part from all of these Deeds. In 1986 when he built his building, you could have 100% building coverage, 100% impervious coverage and you were not required to have any onsite parking. The theory was that this Plaza area provided the parking. Sometime in the late '80's a developer came down from Middlesex County who had the Theater under contract and he was going to develop it for a massive office complex with virtually no parking on site that would really consume the whole Plaza. That was never the intent of the original grantors, but within the meaning of these Deeds it satisfied that intent, because it was going to be for parking. But, nobody else would have any parking. Lawsuits ensued, our firm was a Plaintiff in the litigation and somewhere along the line the litigation kind of died out, but around 1995 the Board changed the Zoning to require that you have a certain pervious cover maximum and a certain building coverage maximum and that you have parking on site. He is only providing this information by way of background so the Board understands that this parking is being created and re-created right now and we have the additional spaces back there which were really created for precisely this purpose. The applicant is asking for these three Variances, building coverage, impervious coverage and parking. But, all of those were part of the spirit as to how the Plaza was developed in the first place and how it's being re-developed despite objections from some as primarily a parking area. He called his first witness Eileen Laszlo. She is a member of 177 Main Street, LLC along with her husband Andy. They are the only two members and they reside in Sea Girt. They purchased this building on December 17, 2013. She described the proposed project. They are eliminating the greenhouse and where one commercial space exists, they are proposing two commercial spaces. Upstairs they are proposing two new floors, two (2) bedroom units and three (3) one bedroom units. When she was here for the informal there was some confusion as to what the Board was talking about with respect to the bedroom mix and also the number of units. The application is for five (5) units. There is an elevator in the building and they are using materials which essentially match other buildings in the area. If they are reduced from the five (5) proposed units it would definitely affect the economics of the job. They are hoping to build

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a beautiful building which fits in with the beauty of the Plaza Area. They will improve the Town. Next, Vincent Cusumano, Architect was called to testify. He gave his credentials and was accepted by the Board. He went over the plans and design of the proposed structure. They are trying to keep the design in line with other architectural pleasing designs in the Borough. He said this being his first job in Manasquan he is very excited. Board members asking questions were: Sullivan, Rabenda, Apostolou, and Councilman McCarthy. Mr. Cusumano said on the second floor there are two (2) apartments, two (2) bedroom units, on the third floor there are three (3) one (1) bedroom units, one of them has a mezzanine. He is aware the Zoning Ordinance contains a minimum square footage for each apartment of 800-square feet. That's why they called for the third unit to have a mezzanine, because the footprint of the building is about 2400-square feet, they had to create a mezzanine to get the required square footage. Also, by doing that they made the one bedroom units larger than just the 800-square feet. The smallest unit is approximately 850-875-square feet. The one unit with the mezzanine goes up to approximately 900-square feet. That is the largest unit of the one-bedrooms. The two bedrooms are about 1100-square feet. The two bedroom apartments are beautiful because of the balconies that they have that look out onto the walkway and also onto the front of the building. There are a number of balconies in each of the units. You have one in your master bedroom suite and one in the living room. The idea of those balconies was to make this a vibrant space, so you have a residential use where people would be out on their balconies, to really bring back Main Street. Referring to the Zoning Ordinance and the 80-square feet of storage space he proposes to accommodate that with an area in the back and that is in the rear and the bike storage is in the basement of the old building. The Ordinance also requires an exterior deck porch or similar facility having a minimum square footage of 80-square feet or 10% of the first floor area whichever is greater. That's the area he just pointed out which is the 240-square feet in the back. The height of the project is 40-feet and that complies with the Zoning Ordinance. Next, he addressed the handicapped accessibility. There was a lot of discussion regarding the elevator and access for both the residents and retail units. There was also extensive discussion regarding the main entrance door and access to the public 24-hours a day and the feasibility of safety. The elevator will not serve the basement; the mechanicals for the elevator will be in the basement. The maximum number of occupants in the five apartments will be 14. Councilman McCarthy stated that it is imperative that the owner relays to their tenants that the overnight parking on Main Street is strictly enforced. Keith Henderson said the Board could put as a condition in the Resolution that the Landlord include in his leases for the residential tenants the provision there should be no parking on Main Street whatever the hours are. Next to testify was Ray Carpenter, Engineer/Planner who has appeared before this Board many times and his credentials were accepted. He said they need Preliminary and Final Site Plan approval for this project. He took the Board through the requirements of the Zoning Ordinance. Building coverage, 40% permitted, 41.79% proposed, Lot Coverage 60% permitted, 100% proposed, On-Site parking. He believes this qualifies for a C-2 Variance. It is his opinion that this application advances the intent of the Master Plan, he believes this is an appropriate use. He referred to the T & M Report, they are asking for a waiver on the size of the parking stalls. He next addressed the Storm water runoff and how it will be addressed. He will design an

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underground re-charge system that will actually be underneath the parking lot to contain as much of the runoff as he possibly can. He will work with the Planning Board Engineer to design a system that is acceptable to him. There will also be an overflow on the bottom of each roof drain to make sure there won't be any backup. He will put in a T section, if for any reason the pipe gets blocked it doesn't build up. In addition the Board Engineer requested information regarding the handicapped ramp and Mr. Carpenter is going to work that out with Al Yodakis also to make sure they meet all ADA requirements. There is also an issue with the 16-foot wide aisle for two way traffic on the west side of the lot, that's built into the existing right-of-way. Next, Mr. Carpenter addressed the ADA parking requirement. He believes that since there will be six (6) handicapped parking spaces created within the Plaza, that will accommodate all required spaces. He feels they are within reasonable distance of the site. There are five (5) parking places on site and we have designated one parking spot for each residential unit. Reserved with a sign clearly marked Unit A, B, C, D, E. So, every tenant will have a specific spot on site and the rest will have to use the community parking which will be created in the Plaza. Al Yodakis will work with Mr. Carpenter with regard to the ADA parking regulations and onsite parking. They will submit a detail for the pavers and if they have to repave the parking lot they will do so. These issues will also be worked out with the Board Engineer. As far as the utilities underground, there is a pole out in front of the building, they could run it underground to the building for 10-feet if the Board so chooses. As far as a lighting diagram, none was submitted. Mr. Carpenter said there is lighting both for the Bank and also the Algonquin but it was stipulated by Mr. Henderson that a lighting plan would be submitted to the Board Engineer for his review. The Chairman said if the Engineer had no other comments he would like to move this application on. He asked the Board for their input or questions. In closing Keith Henderson gave his statement. He stated the three Variances requested were: building coverage, lot coverage, parking, one waiver for the size of the parking spaces. Also, the parking on Main Street will be addressed in the Landlord/Tenant Lease. Councilman McCarthy made a motion to open the meeting to the public, motion seconded by Board member Love, all in favor none opposed. There was no public participation. Board member Apostolou made a motion to close the public portion, the motion was seconded by Councilman McCarthy, all in favor, none opposed. Board member Burke made a motion to approve the application with all the stipulations, Councilman McCarthy seconded the motion.

### Board Members Voting Yes:

Chairman Hamilton, Councilman McCarthy, Board members: Muly, Rabenda, Burke, Love, Sullivan, Ragan, Apostolou, and Young (Mayor's Alternate).

No negative votes.

### ***APPLICATION APPROVED***

**RESOLUTION # 44-2013** – Silidker, Mark and Mary – 474 Euclid Avenue – Block: 146 – Lot: 21.01 – Zone: BR-1 – Board member Apostolou made a motion to memorialize the Resolution, the motion was seconded by member Young, members voting yes: Hamilton, Muly, Ragan, Rabenda, Love and Young.

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**Vouchers – Board member Muly made a motion to pay the vouchers, motion seconded by Burke, all in favor none opposed.**

***VOUCHERS APPROVED***

**As there were so many sets of minutes the Chairman said if there are no comments or issues he would like to see a vote to approve them in their entirety. Board member Burke made a motion to approve; the motion was seconded by member Young, all in favor none opposed.**

***MINUTES APPROVED***

**Councilman McCarthy made a motion to adjourn the meeting; the motion was seconded by Board member Love, all in favor none opposed.**

***MEETING ADJOURNED AT 9:12PM***

**Respectfully Submitted,**

**Mary C. Salerno  
Planning Board Secretary**